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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,093	10/24/2001	Peter R. Paradis	11876/3	1057

7590 05/17/2004

KENYON & KENYON  
Suite 600  
333 W. San Carlos, Street  
San Jose, CA 95110-2711

EXAMINER

BOYCE, ANDRE D

ART UNIT PAPER NUMBER

3623

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/028,093

Applicant(s)

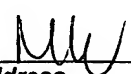
PARADIS, PETER R.

Examiner

Andre Boyce

Art Unit

3623



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This Final office action is in response to Applicant's amendment filed February 20, 2004. Claims 1-5 have been amended. Claims 1-7 are pending.
2. The previously pending objection to claim 3 has been withdrawn.  
The previously pending rejections to claims 2-4 under 35 USC § 112 have been withdrawn.
3. Applicant's arguments filed February 20, 2004 have been fully considered but they are not persuasive.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ralston et al (USPN 6,389,454).

As per claim 1, Ralston et al discloses a method for scheduling appointments (scheduling system 10, see Figure 1) comprising, sending a task request from a client to a server system (client 20 request to schedule server 80 and remote schedule servers 38, 48, 58, see column 4, lines 38-42 and column 5, lines 21-24) ,

the task request including patient identification (see column 4, lines 50-53) and resource identification (i.e., specific facility, see column 4, line 56), determining, at the server system (server 80), whether schedules associated with the patient identification and resource identification are stored in local memory to the server system (i.e., as seen in the rescheduling process, wherein server 80 locates scheduling information, see column 6, lines 30-35), loading the associated patient schedule and resource schedule from a database into the local memory (servers 38, 48, 58 access data from facilities 35, 45, 55, and transmit to server 80, see column 5, lines 24-27) if said schedules are not available at said server system, and determining available times for the resource schedule at the server system (server 80 generates appointment candidates, see column 5, lines 27-28).

As per claim 2, Ralston et al discloses the determining available times step beginning from a start timestamp provided in the task request for a period of time (client appointment preference data, including date and time, see column 4, lines 55-56).

As per claim 3, Ralston et al discloses the determining available times step of moving to a next time period of time if not available times for the resource schedule are found (determined via the resource availability mask, see column 4, lines 41-43).

As per claim 4, Ralston et al discloses wherein after the determining available times step, at least one available time being transmitted from the server to the client (see column 5, lines 63-65).

Claim 5 is rejected based upon the rejection of claim 1, since it is the system claim corresponding to the method.

As per claim 6, Ralston et al discloses a client coupled to the server system via a transmission medium (transmission medium 70, see column 4, lines 41-43).

As per claim 7, Ralston et al discloses a database coupled to the server system (data from facilities 35, 45, 55, see column 5, lines 24-27).

### ***Response to Arguments***

6. In the Remarks, Applicant argues that in Ralston, all the schedule information is retrieved from external facilities and databases when the client seeks to schedule a resource. The Examiner respectfully disagrees and submits that Ralston indeed discloses determining at the server system (i.e., server 80) whether schedules associated with the patient identification and resource identification are stored in local memory to the server system. As seen in the rescheduling process, that Applicant cites, server 80 *locates and retrieves* scheduling information in order to provide the client 20 with options regarding the appointment, and if client 20 wishes to cancel the appointment, then server 80 *notifies* the facility (column 6, lines 35-41). Further, walk-in and no-show information is entered into the facilities remote schedule server and in turn transmitted to server 80, further indicating that scheduling information is indeed stored locally at server 80 (column 6, lines 58-65).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
adb

  
**TARIQ R. HAFIZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**